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**New York State Office of Parks, Recreation and Historic Preservation**  
The Governor Nelson A. Rockefeller Empire State Plaza  
Agency Building 1, Albany, New York 12238

518-474-0456

Human Resources  
518-474-0453

Fiscal Management  
518-474-0061

TDD: 518-486-1899

June 18, 1999

David Boergers, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, DC 20426

Re: Docket No. CP98-150-000  
Millennium Pipeline Company, L.P.  
Docket No. CP98-151-000  
Columbia Gas Transmission Corporation

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Dear Mr. Boergers;

Thank you for forwarding copies of the Millennium Pipeline Project, Draft Environmental Impact Statement (DEIS) for our consideration. We have reviewed the document and provide you with the following comments and concerns. The concerns in this letter relate to impacts resulting from the proposed pipeline construction on six state park facilities. They are: the Catharine Valley Trail and Soaring Eagles/Mark Twain State Park and Golf Course in the Finger Lakes Region; Sterling Forest® State Park, Harriman State Park, and High Tor State Park in the Palisades Region; and, the Old Croton Aqueduct State Historic Park in the Taconic Region.

This letter contains comments from the NYS Office of Parks, Recreation and Historic Preservation-Albany Office. Staff in our Finger Lakes, Taconic, and Palisades Regions contributed to this letter. In addition, the Finger Lakes region has provided a letter of comment separately. Likewise the Palisades Region will be submitting a letter of comment under separate cover. The Historic Preservation Field Services Bureau of our agency will provide comments regarding historical/cultural resources under separate cover.

The New York State Office of Parks, Recreation and Historic Preservation (NYS OPRHP) is dedicated to providing safe and enjoyable recreation experiences for all New York State residents and visitors. We, as an agency, have been charged with the responsibility of providing safe, quality recreation and caring for New York's natural, cultural and recreational resources. Over 65 million people visit our more than 212 park units each year. Each one of our parks is important and unique and requires every effort to preserve its individual character.

The Palisades Interstate Park Commission (PIPC) was created in 1937 by Federal Compact and has a responsibility to manage its lands with the highest possible standards for conservation, recreation, and education along the New York/New Jersey Palisades and in the Hudson Highlands.

Our comments are as follows:

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1. **Environmental Consequences Section 5.8 Land use, Recreation/Public Interest Areas, and Visual Resources.** This section identifies the number of miles crossing or acres of impacted forested lands. Nowhere in the DEIS is the number of miles crossing or acres of impacted state parkland identified. Likewise, the vegetation cover types on these state parks are not identified. By our calculations a minimum of 8.5 miles of parkland will be crossed and thereby impacted by the construction, maintenance and operation of the pipeline. (Sterling Forest® State Park is included in this mileage figure.) State parkland vegetation cover types include forested lands, wetlands and open lands. State parkland should be specifically mentioned throughout this section. Recreation areas, such as state parks, will experience operational impacts as well as vegetation cover type changes. These types of impacts are not adequately addressed.
2. **Sterling Forest® State Park.** In 1998, nearly 17,000 acres of land were purchased by the state for use as a state park. This property lies between the Appalachian Trail and Harriman State Park. NYS OPRHP and PIPC jointly manage this property. The DEIS does not recognize the existence of this state park or show it as being impacted by the proposed route of the pipeline. The proposed pipeline would cross approximately one mile of Sterling Forest® State Park. (See attached Map)
3. **Sterling Forest® State Park-Doris Duke Wildlife Sanctuary.** This sanctuary was created during the acquisition of the Park. The proposed alignment would impact this area. The Doris Duke Wildlife Sanctuary has important wildlife habitat value and has been designated to remain in a natural state. Construction through this area would likely require blasting which would result in a substantial and irreversible adverse impact to this area. Moreover, the long-term impacts of corridor creation through this area would be substantially adverse. It is strongly recommended that alternative routes be evaluated so as to eliminate impact to this important natural area.
4. **Proposed Pipeline Alignment.** The DEIS outlines a proposed route for the pipeline across the state. Maps included in the DEIS do provide some indication of this proposed routing. However, they are somewhat dated and of poor quality and do not provide a clear understanding of the routing through state parkland. We view this proposed routing as conceptual and subject to more specific negotiations with State Parks as to final locations and design. These negotiations must address alternative routing, avoidance and steps to minimize impacts to parkland resources. As an example, there is a clear need to conduct negotiations regarding routing in the vicinity of Sterling Forest® State Park. Such negotiations should be initiated prior to the completion of the FEIS so that the document can contain more specific information on alignment and mitigation.
5. **Alternative Routing.** The DEIS does provide information on alternative routing for some major resources such as the Hudson River Crossing. Similar analyses must be prepared for crossings through State Park land including a discussion of the avoidance alternative.
6. **Right-of-way width.** The width of the right-of-way over most of the pipeline route appears to be 75ft. (50 ft permanent and 25 ft temporary) and would widen the existing right-of-way

when following one. A complete right-of-way does not currently exist end to end. In areas of special concern such as stream crossings the right-of-way could reach 150 feet. The width of the right-of-way is of particular concern to State Parks especially though areas of relatively undisturbed forests and recreational use areas. Construction of right-of-ways through the forested areas would have direct impacts on habitat, contribute to forest fragmentation and result in adverse impacts on biodiversity such as brood parasitism of interior forest bird species. Similarly, construction through recreational use areas (such as trails) will disrupt normal park operation, decrease the quality of the recreation experience, and have the potential to cause further environmental impacts by displacing/relocating users. To adequately protect parkland resources, right-of-way width must be minimized to the fullest extent possible through those areas where parkland must be impacted.

7. **Historic Resources.** The proposed alignment will impact the Old Croton Aqueduct State Historic Park and the Catharine Valley Trail (Chemung Canal). The former is listed on the National Register of Historic Places while the latter is eligible for such listing. In addition, the Old Croton Aqueduct State Historic Park is also a National Historic Landmark. Both of these resources require special assessment of alternatives to crossings and crossing design and mitigation. Regarding Old Croton Aqueduct State Historic Park, past proposals such as this pipeline crossing have been rejected by NYS OPRHP. Detailed plans must be submitted for approval by the Commissioner of NYS OPRHP (who is also the SHPO) before any construction in the vicinity of the aqueduct will be allowed. It is our suggestion that alternative routes be explored thoroughly. Avoidance of the aqueduct crossing is strongly recommended and preferred.
8. **Mitigation.** This is an area of substantial deficiency within the DEIS. For example within Table 5.8.3.2-1 mitigation for impacts to parkland is often described as "notification in writing 1 week before construction." This statement is not mitigation and does not adequately represent content of the DEIS; especially the information within the Environmental Construction Standards (ECS) section. The ECS contains guidelines important to the minimizing of potential adverse impacts to the environment. Site-specific design considerations for similar projects affecting parkland have often included alternatives such as use of directional drilling. Design considerations addressing potential visual and noise impacts must also be considered.

Construction and operation of a utility right-of-way can be considered alienation of parkland that is, a switch from open space natural resource conservation uses to a utility use. In those parks with 6f status under the Land and Water Conservation Fund, such action is considered a Conversion and requires review and approval by the National Park Service (NPS). In such situations replacement lands are required. The DEIS needs to address the issue of alienation/conversion.

We have examples within Parks where the utility has recognized the importance of mitigation in the form of replacement lands or other consideration. Utility right-of-ways can serve as corridors for some recreational activities through mutual agreement with the property owner. The DEIS is relatively silent in this regard. Although abandonment of the existing pipeline is part of the proposed action it appears that it pertains primarily to

abandonment of use rather than ownership. Nonetheless there is abandonment of a pipeline right-of-way between Delaware and Rockland counties and assessment of the possible use of these "abandoned" areas for recreation purposes should be pursued.

9. **Biological Assessment.** We note that FERC consultation with the US Fish and Wildlife Service is required to determine whether any federally listed endangered or threatened species or their critical habitat occur in the vicinity of the project and, if so, the Commission is required to prepare a biological assessment. We request that for all pipeline routing alternatives potentially affecting state parkland, a survey be conducted by scientists trained and knowledgeable in the Natural Heritage Program of The Nature Conservancy. Such survey would also require consultation with the USFWS and the NYS Department of Environmental Conservation (DEC).
10. **Installation of Erosion Controls.** We note the statement on page 2-15 regarding temporary erosion controls. It states that such controls would be installed immediately after disturbance of the soils. Such controls should be installed prior to any substantial disturbance.
11. **Development of the FEIS.** The FEIS should clearly outline the process that will be followed in arriving at an agreement with NYS OPRHP on final alignments, timing of construction and mitigation, both short and long term.
12. **Supplemental DEIS.** We recognize the difficulty in determining the level of detail to include in a DEIS. At the same time we note the need for considerably more detail regarding alignments affecting parkland and their alternatives and mitigation. We feel that there is sufficient reason to provide this additional information through release of a supplemental DEIS.

In addition to the above comments we offer the following detailed corrections to the DEIS.

- 1) Page x, Acronyms and Abbreviations - The name of the agency has been omitted from this list. Please add the following:

<b>NYSOPRHP</b>	<b>New York State Office of Parks, Recreation and Historic Preservation</b>
<b>PIPC</b>	<b>Palisades Interstate Park Commission.</b>

- 2) Page 3-18, Ice Scour, First Line - "Lake Eric" should be **Lake Erie**.
- 3) Page 3-25, Palisades Park Alternatives, First Sentence - Should read:

"We received several comments regarding the use of route variations between approximate MPs 370.0 and 380.0 through property managed by **the Palisades Interstate Park Commission and NYS OPRHP, which includes Harriman State Park.**

- 4) Page 4-35, State and Local Park Lands- The first sentence should read:

"State and local open space areas crossed by the pipeline would include **the Catharine**

**Valley Trail (a State Park facility) (MP 198.5), Soaring Eagles/Mark Twain State Park and Golf Course (MP 198.5), the Village of Port Dickinson Community Park and the Sterling Forest Ski Area (MP 366.4)."**

The third sentence should read:

**"Separate individual units within the Palisades Interstate Park System that would be crossed include Sterling Forest® State Park (MP ??), Harriman State Park (MP 369.7) and High Tor State Park (MP 385.1)."**

The following sentences should also be added:

**"The proposed pipeline would also cross a State Park facility in Westchester County known as the Old Croton Aqueduct State Historic Park. This railway is constructed over the Old Croton Aqueduct which is on the State and National Registers of Historic Places and is a National Historic Landmark."**

- 5) Page 4-35, Recreational Trails, Last Sentence - Should read:

**"Other trails that would be crossed include those within the Palisades Interstate Park (the Suffern-Bear Mountain Trail [MP 375.9]), those within Harriman State Park, the Old Croton Aqueduct State Historic Park and others in Westchester County."**

- 6) Page 4-37, Table 4.8.3-1 - See comments submitted June 3, 1999, New York State Office of Parks, Recreation and Historic Preservation, Finger Lakes State Park Region, Sue Poelvoorde, Natural Resource Planner (attached).

- 7) Page 4-39, Table 4.8.3-1, Orange County - Add section between MP 363.6 and 366.4 regarding Sterling Forest® State Park. Lands between the Appalachian Trail and the Sterling Forest Ski Center have been purchased for use as a state park. The pipeline will transect this new state park. This information is not reflected in this table or throughout the document. The parklands should be identified. (See comment 2 on page 2 of this letter.)

- 8) Page 4-39, Table 4.8.3-1, Rockland County, MP 367.7-376.4 - Harriman State Park is jointly managed by NYS OPRHP and Palisades Interstate Park Commission (PIPC). This should be noted for each State Park located within the Palisades Interstate Park Region.

- 9) Page 4-39, Table 4.8.3-1, Rockland County, MP 385.1-385.6 - High Tor State Park is jointly managed by NYS OPRHP and Palisades Interstate Park Commission (PIPC). This should be noted for each State Park located within the Palisades Interstate Park Region.

- 10) Page 4-40, Table 4.8.3-1, Westchester County, MP 395.3-395.5 - Old Croton Aqueduct State Historic Park is under the jurisdiction of the NYS OPRHP, Taconic Region. The Croton Gorge Park is not a state park but a Westchester County Park. These parcels should be separate in this table. Additionally, as best as we can tell from the maps provided within the DEIS the Old Croton Aqueduct State Historic Park will be crossed only once not 4 times.

- 1) Page 5-67, Table 5.8.3.2-1, Chemung County, MP 198.5, - The Catharine Valley Trail is a NYS OPRHP facility. See comments June 3, 1999, New York State Office of Parks, Recreation and Historic Preservation, Finger Lakes State Park Region, Sue Poelvoorde, Natural Resource Planner (attached).
- 12) Page 5-67, Table 5.8.3.2-1, Chemung County, MP 198.5-199.2 – Soaring Eagles/Mark Twain State Park and Golf Course. This park is primarily a golf course. However, the proposed pipeline route would traverse a multi-use trail area. This pipeline will impact operation of this park even if Millennium states that the pipeline will not cross the golf facilities. Mitigation provided in the DEIS is inadequate for this area. See also comments submitted June 3, 1999, New York State Office of Parks, Recreation and Historic Preservation, Finger Lakes State Park Region, Sue Poelvoorde, Natural Resource Planner (attached).
- 13) Page 5-69, Table 5.8.3.2-1, Orange County – Between the Appalachian Trail and the Sterling Forest Ski Area is property owned and managed by NYS OPRHP and PIPC as Sterling Forest® State Park. This property was acquired in 1998. This property should be added to this table. (See comment 2 on page 2 of this letter.)
- 14) Page 5-69, Table 5.8.3.2-1, Orange/Rockland County, MP 367.7-376.4 – This entry should be Harriman State Park (Area Name). Text in the “Proposed Mitigation/Action” column does not refer to mitigation measures. The ECS should be referenced in this column. In the “Proposed Mitigation/Action” column the existing text should state:  
  
**“The NYS OPRHP and PIPC would be notified in writing four (4) weeks before construction. Landscape plantings at road crossings will be in accordance with detailed drawings approved by NYS OPRHP and PIPC. Easement negotiations and plan development for proper environmental and operational mitigation will take place and be approved by NYS OPRHP and PIPC prior to the completion of the FEIS. These documents will also be included in the FEIS.”**  
  
The remainder of the column text refers to trail crossings. Trails mentioned here should be noted as within Harriman State Park. The following trails are crossed within Harriman park: Triangle, Ramapo-Dunderberg, Blue Disc (two crossings), Kakiat (one crossing), Pine Meadows, Seven Hills, and Hillburn-Torne-Sebago. Kakiat is crossed a second time outside Harriman State Park’s boundaries.
- 15) Page 5-70, Table 5.8.3.2-1, Rockland County, MP 385.1-385.6 – Information in the “Area Name” column should read **High Tor State Park**. Text in the “Proposed Mitigation/Action” column does not refer to mitigation measures. The ECS should be referenced in this column. Additionally, the existing text should read:  
  
**“The NYS OPRHP and PIPC would be notified in writing four (4) weeks before construction. Easement negotiations and plan development for proper environmental and operational mitigation will take place and be approved by NYS OPRHP and PIPC prior to the completion of the FEIS. These documents will also be included in the FEIS.”**

- 16) Page 5-70, Table 5.8.3.2-1, Westchester County, MP 395.3-395.5 – It is our understanding that the Old Croton Trailway will be crossed only once, not four times and the text in the column “Proposed Mitigation/Action” does not describe mitigation measures. (See comment 7 on page 3 of this letter.)
- 17) Page 7-9, FERC Staff’s Recommended Mitigation – FERC should include a recommendation that the company continue (reinitiate) negotiations with NYS OPRHP (and in the case of Sterling Forest<sup>®</sup> State Park, Harriman State Park and High Tor State Park with PIPC as well) regarding the crossings of state park lands. Negotiations are to include: right-of-way easements; operations and maintenance of the right-of-way; environmental impact avoidance/mitigation and park operation impact mitigation. (This is separate from and in addition to negotiation and consultation with Historic Preservation and section 106 review.)
- 18) Page A-3, Appendix A, DEIS Distribution List – Please include the following updates to agency contacts who should receive copies of any future notices or documentation on this proposal.

**NYS Office of Parks, Recreation and Historic Preservation**

Commissioner Bernadette Castro, SHPO  
NYS Office of Parks, Recreation and Historic Preservation  
Empire State Plaza  
Agency Building 1  
Albany, NY 12238  
(518) 474-0443

Albert E. Caccese, Deputy Commissioner for Land Management  
NYS Office of Parks, Recreation and Historic Preservation  
Empire State Plaza  
Agency Building 1  
Albany, NY 12238  
(518) 474-0402

Robert Kuhn, Assistant Director, Field Services Bureau  
NYS Office of Parks, Recreation and Historic Preservation  
Empire State Plaza  
Agency Building 1  
Albany, NY 12238  
(518) 237-8643

John Clancy, Regional Director  
Finger Lakes State Park Region  
2221 Taughannock Park Road  
P.O. Box 1055  
Trumansburg, NY 14886-1055  
(607) 387-7041

Jayne McLaughlin, Regional Director  
Taconic State Park Region  
Staatsburg, NY 12580  
(914) 889-4100

Carol Ash, Executive Director  
Palisades Interstate Park Commission  
Administration Headquarters  
Bear Mountain, NY 10911-0427  
(914) 786-2701

We appreciate the opportunity to comment on this DEIS. If you have any questions regarding this letter, please contact me at (518) 474-0414 or Diana Carter at (518) 486-2909.

Sincerely,



Daniel S. Kane  
Director, Resource Management  
NYS Office of Parks, Recreation and Historic Preservation

cc: Commissioner Castro  
A. Caccese  
N. Palumbo  
C. Ash (PIPC)  
K. Krieser (PIPC)  
J. Clancy (Finger Lakes)  
S. Poelvoorde (Finger Lakes)  
J. McLaughlin (Taconic)  
K. Lutters (Taconic)  
B. Goodman (Taconic)  
R. Reinhardt  
T. Lyons  
M. Lyon  
R. Pierpont  
J. Gold  
W. Holliday  
S. Lewis

Attachments: 2

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